

REMARKS

This paper is presented in response to the final office action, dated January 7, 2009, wherein claims 1-3 and 5-9 were rejected under 35 USC §103(a) as being obvious over Oslin (US 5,732,614) in view of Buday (US 5,568,802), and further in view of Rhoads (US 3,861,378).

By the foregoing amendments, claims 1-12 remain pending, claim 1 is amended, and claims 4 and 10-12 are “withdrawn.” No new matter has been added.

The accompanying amendments are proper under 37 C.F.R. §1.116 practice and should be entered because they do not present new issues requiring further search or consideration, but rather, merely clarify the scope of protection previously defined.

Reconsideration of the application, as amended, is solicited.

The presently-claimed invention is directed to a combination of a door and a mobile plate rack for a cooking appliance, wherein the mobile plate rack includes a sealing plate for sealing an opening of the cooking appliance. The combination also includes a replacement sealing plate that is captively mounted to the door and movable between a rest position and an operating position. In the absence of the mobile plate rack, the replacement sealing plate can be moved into the operating position to seal the opening that would otherwise be sealed by the sealing plate of the mobile plate rack. As such, claim 1 is amended herein to clarify that not only do the door and mobile plate rack have separate sealing plates, but they also alternatively seal the same opening of the cooking appliance. This unique configuration is based on the astonishing perception that, as a result of captively mounting the replacement sealing plate to the door, users are much less inclined to forget to utilize the replacement sealing plate when the mobile plate rack is removed, e.g., during pre-heating or cleaning.

None of the cited prior art documents discloses or suggests a mobile plate rack having a sealing plate and a door with a captively mounted and movable replacement sealing plate, which serves as a replacement for the sealing plate of the

mobile plate rack when the mobile plate rack is not inserted in the cooking appliance, as recited in claim 1.

For example, as set forth in the paper submitted on September 16, 2008, Oslin does not disclose two different sealing plates for alternatively sealing an opening of a cooking appliance depending on the arrangement of the mobile plate rack. Instead, Oslin discloses a cooking appliance having a double door 30 and a plurality of plate racks 18, at least one of which the examiner equated to the mobile plate rack of the present invention. As conceded by the examiner, however, the plate racks 18 do not include a sealing plate, as defined by claim 1.

Therefore, the examiner introduced Buday and Rhoads into the analysis.

With respect to Buday, the examiner asserts that although “Buday does not teach a sealing plate that is made integral on the mobile plate rack. Buday does however teach that the legs 47a 47b seal part of the oven compartment...” The applicant respectfully disagrees.

Buday merely teaches an oven housing 10 adapted to receive a conveyor assembly 20. As shown in Figs. 1 and 2, Buday provides recesses 49a, 49b within the bottom of the housing 10 for receiving legs 47a, 47b of the conveyor assembly 20 so that the conveyor assembly 20 fits flush within the housing 10. Buday does not disclose that the relationship between the legs 47a, 47b and the recesses 49a, 49b provides a seal. Moreover, a person having ordinary skill in the art would not understand that the legs 47a, 47b and recesses 49a, 49b provide a seal, but rather, that they merely fit together to facilitate the closing of the door 25.

As such, Buday does not disclose a mobile plate rack with a sealing plate, let alone a door with a replacement sealing plate that replaces the sealing plate of the mobile plate rack when the mobile plate rack is not inserted in the cooking appliance, as recited in claim 1. Moreover, there is no suggestion to modify Buday to arrive at such a configuration.

Rhoads also fails to disclose or suggest these features. Rhoads discloses an oven housing 11 adapted to receive a portable base or cart 43. As depicted in Figs.

5-7, Rhoads describes that the housing 11 is equipped with a door 95 that seals against deformable members 91, 93 to provide a seal between the door 95, the housing 11, and the cart 43. *See*, column 4, lines 9-21. The seal provided between the door 95 and the deformable members 91, 93 is positioned at a front opening of the housing 11. Rhoads further describes that the cart 43 seals against a deformable member 105 (shown in Fig. 6) to provide a seal at the back of the housing 11 away from the door 95. *See*, column 4, lines 47-49. The seal provided between the cart 43 and the deformable member 105 therefore seals a bottom opening of the housing 11. So configured, the door 95 and cart 43 seal against the housing 11 simultaneously to seal two distinct openings.

While each of the cart 43 and door 95 of Rhoads arguably includes a sealing plate, the two seals are provided simultaneously. As such, the sealing plate of the door 95 cannot alternatively seal the same opening sealed by the sealing plate of the cart 43, as recited in claim 1.

In light of the foregoing, neither Oslin, Buday, nor Rhoads, alone or in combination, discloses each and every limitation recited in claim 1. Moreover, there is no suggestion to modify the teachings of these references to arrive at the subject matter recited in claim 1.

In the office action, the examiner asserted that it would have been obvious to combine the teachings of Oslin, Buday, and Rhoads to arrive at the claimed invention “for the purpose of having a mobile plate rack that had both a support...and a sealing plate built into the cart so that when the cart is inserted into the oven chamber it would seal the chamber during a cooking cycle.” Regardless of the accuracy of this assertion, it would not be obvious to combine or modify the teachings of any of the cited references to arrive at a cooking appliance including a door with a replacement sealing plate that is movable to seal an opening that would otherwise be sealed by a sealing plate of a mobile plate rack when the mobile plate rack is not inserted in the cooking appliance, as recited in claim 1.

Accordingly, the applicant respectfully submits that the outstanding obviousness rejections are improper and should be withdrawn.

CONCLUSION

If there are any remaining matters that the examiner believes may be remedied via telephone conference, please feel free to contact the undersigned at (312) 474-6300.

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Respectfully submitted,

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